

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ALICIA GOMEZ,

Plaintiff,

-against-

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

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JUDGMENT
13-CV- 2652 (BMC)

An Order of Honorable Brian M. Cogan, United States District Judge, having been filed on September 30, 2014, reversing the Commissioner's decision, and remanding Plaintiff's claims for disability insurance benefits and Supplemental Security Income filed on September 9, 2010, for further administrative proceedings, including but not limited to a new hearing and issuance of a new decision; ordering that upon remand, the Administrative Law Judge will: (1) attempt to further develop the record with respect to the medical evidence and Plaintiff's work history; (2) reevaluate whether Plaintiff's mental impairment was severe; (3) reevaluate all treating and non-treating medical opinions, including the opinion of the medical expert; (4) reevaluate Plaintiff's residual functional capacity; (5) reevaluate Plaintiff's ability to perform her past relevant work at step 4 of the sequential evaluation process; and (6) if the sequential evaluation proceeds to step 5 obtain vocational expert testimony to clarify the impact of the Plaintiff's impairments on her occupational base; and given that Plaintiff has been screened into the class eligible for relief under *Padro v. Astrue*, 11-cv-1788 (CBA) (RLM), upon remand, the Commissioner will also process the application pursuant to the terms of the Settlement Agreement in that case; it is

ORDERED and ADJUDGED that pursuant to the fourth sentence of 42 U.S.C. § 405(g), the Commissioner's decision is reversed, and Plaintiff's claims for disability insurance benefits and Supplemental Security Income filed on September 9, 2010, are remanded for further administrative proceedings, including but not limited to a new hearing and issuance of a new decision; that upon remand, the Administrative Law Judge will: (1) attempt to further develop the record with respect to the medical evidence and Plaintiff's work history; (2) reevaluate whether Plaintiff's mental impairment was severe; (3) reevaluate all treating and non-treating medical opinions, including the opinion of the medical expert; (4) reevaluate Plaintiff's residual functional capacity; (5) reevaluate Plaintiff's ability to perform her past relevant work at step 4 of the sequential evaluation process; and (6) if the sequential evaluation proceeds to step 5 obtain vocational expert testimony to clarify the impact of the Plaintiff's impairments on her occupational base; and that it is further,

ORDERED and ADJUDGED that given that Plaintiff has been screened into the class eligible for relief under *Pedro v. Astrue*, 11-cv-1788 (CBA) (RLM), upon remand, the Commissioner will also process the application pursuant to the terms of the Settlement Agreement in that case.

Dated: Brooklyn, New York
September 30, 2014

Douglas C. Palmer
Clerk of Court

by: /s/ Janet Hamilton
Deputy Clerk